



COMMUNITY SERVICE: WHAT'S INVOLVED?

The imprisonment of offenders was introduced as a form of punishment in eighteenth century Europe in response to new theories of law and justice developed by the 'enlightenment' philosophers. The main purpose of imprisonment was to make prisoners repay their debt to society and give them time to reflect on their misdeeds. For several decades, this method of dealing with offenders worked. However, as deviance, crime and violence increased, governments became concerned about the rapidly rising prison population. Barbados is no exception; with the lone jail, Glendairy, having over seven hundred (900) inmates in a prison that was built to house three hundred and fifty (350).

Former Attorney General and Minister of Home Affairs, the Hon. David Simmons, Q.C. now Sir David Simmons, stated that, "*in this sort of milieu it is virtually impossible to pursue, far less achieve, any of the traditional objectives of punishment.*" He also suggested that, "*the very institution of imprisonment is being called into question.*"

Tony Peters in the UNESCO Courier of June 1998 stated that "*new alternatives to prison opened up more humane sentencing with a view to reintegrating offenders into society*". He also argued that "*the flagrant inhumanity of correctional facilities, the psychological impact of incarceration and the social exclusion which resulted from this form of punishment brought about a growing skepticism about the prison system's capacity to rehabilitate inmates.*"

During the 1980's two new approaches to this on-going debate emerged. One school of thought suggested that prison seems to have lost its legitimacy as a punitive institution. Conversely, an opposing school of thought demanded that offenders serve their full sentence so as to restore the punitive function of imprisonment. However, those unconvinced about the socializing virtues of the deprivation of freedom, emphasized that, *“in a democratic state under the rule of law, inmates are citizens entitled to legal protection and basic human rights.”*

Peters also explained that during the decade of the nineties, crowded prison conditions overshadowed ideological discussions about the appropriateness, usefulness and humanness of incarceration. It is against this background that *“the world-wide debate”* for alternatives to imprisonment rages on.

Several factors are at the genesis of the Barbados government's decision to actively seek alternatives to imprisonment. These are:

- The cost of constructing and maintaining prisons.
- The failure of incarceration to reduce crime.
- The impact of incarceration on inmates, their families and the community.
- Government's desire for legal and judicial reform and the rehabilitation of young, first-time offenders.

These concerns are supported by the view of Edmundo Oliveria who argued that, *“Prison causes more ethical, social, psychological and economic problems than it solves.”* Given these facts therefore, one may conclude that the decision to seek effective alternatives to imprisonment is morally, philosophically and psychologically justified.

Community Service became a part of the sentencing option for Magistrates following the enactment of the superstitated Penal System Reform Act on 23rd December 1998. Under this Act, the Court may sentence any person sixteen (16) years or older to perform Community Service. The Act further stipulates that persons sixteen (16) years of age may be ordered to work a minimum of eighty (80) hours and a maximum of one hundred

and forty (140) hours, while those seventeen (17) years and older are required to work between eighty (80) to two hundred and forty (240) hours.

It is further stipulated that the Court request and consider a Probation Officer's Social Enquiry Report before imposing community Service. The offender, his or her surety, parents or other relatives are asked to report to the Probation Department where an in-depth investigation into the circumstances of the offence and his or her background are carried out.

Other agencies are consulted and the appropriate information such as school reports, employer's assessment and the views of significant persons in the community are obtained to assist in the compilation of the report to be presented to the Courts. If the information and recommendations are accepted and the Court is satisfied that the individual is a worthy candidate for Community Service, an Order is made. Before doing so, the Court must obtain the individual's consent and explain his or her obligations under the Order.

The aims and objectives of the Community Service Order are to prevent recidivism through the re-integration of the offender into the community. It is hoped that this would be achieved through punishment that can be described as "*positive and demanding unpaid work.*" Another component of these objectives is the element of reparation to the community - in so doing the offender is assisted in "*undertaking socially useful work.*"

Five (5) Community Service Officers have been employed to ensure the attainment of these objectives. Their duties include the supervision of all persons on Community Service and finding appropriate placement (*that is where the offender is placed to work*) where they may fulfil their obligations. All placements must meet specific criteria. They must;

- Be demanding in the sense of being physically and emotionally taxing. The degree of inconvenience and effort required by community service work should be significant.

- Be designed to demonstrate to the community that the work undertaken by offenders benefit the community by:-
 - ♣ Providing work to safeguard the community against further crime or to repair damage caused by crime.
 - ♣ Carrying out physical work to improve the local environment or assist the local community.
 - ♣ Undertaking active caring for the elderly, and handicapped.
 - ♣ Providing work which combats the fear of crime or improve the appearance or amenities of a neighbourhood.

The Community Service Officer must also ensure that each client understands and complies with the required standard of behaviour when on Community Service. All clients are strictly prohibited from performing Community Service work while under the influence of drugs or alcohol, from fighting, threatening violence or engaging in violent or aggressive behaviour. Similarly, *“the use of abusive language, willful and persistent non-cooperation or working in a manner which fails to demonstrate the required level of effort and commitment,”* are unacceptable.

Concomitantly, any instructions given by the Community Service Officer must not be in conflict with the client’s religious belief, nor must it in any way interrupt his or her education, employment or any other obligation which he or she may have to the Court.

On the other hand, the officer must notify the client that in the event of non-compliance to the given instruction, breach proceedings may be instituted against him or her. This however, cannot be implemented before a minimum of two (2) warnings are given to the accused person. If these do not work, the individual is taken back before the Court on a Breach of the Community Service Order, where he/she may be sentenced on the original offence as well as the new offence.

A former client said that he had his first encounter with the law as a young adult, for him, it was quite embarrassing *“can you imagine the relief when I learnt that there was a way in which I could pay my proverbial debt to society, keep my job and continue to provide*

for my family.” He further stated: I felt that the atmosphere of discipline, responsibility and accountability which this programme brings to the lives of the impressionable young offenders serves them better than incarceration ever could.

To date, all statistical data indicates that it is a useful mechanism in government’s effort to rescue and redirect young offenders. Since its implementation on 1st September 2000, four hundred and fifty-four (454) persons have been ordered to perform Community Service. Of these, four hundred and twenty-one (421) have successfully completed their sentence, while the remaining thirty three (33) have breached the Order and were taken back before the Courts.

The question remains: Is community service a viable alternative to imprisonment? Most definitely, however, this sentence is reserved for young first-timer offenders who are convicted of minor offences. Government’s chief reason for instituting community service was to eliminate the incarceration of young first-time offenders so as to keep them from associating with hardened criminals while in prison.

It is believed that young offenders are taught the rudiments of more subtle forms of criminal behaviour; hence prolonged exposure to such renders their rehabilitation difficult or impossible. Community service is therefore a valid effort to eliminate this tendency.

Investigations reveal that incarceration is an inappropriate response to minor infractions of the law. Most of the young men before the courts are members of dysfunctional families torn apart by anger, hostility and neglect. Unemployment, poverty and a profound sense of hopelessness compounds their plight. Therefore, serious consideration must be given to the magnitude and complexity of the various issues affecting the client.

Under the aegis of the probation department, community service offers these young men and women an opportunity to obtain guidance, stability and a sense of direction and

purpose in their lives. They are also introduced to anger management, self-esteem building, behaviour modification and good work ethics.

In the probation service report of 2001 the Chief Probation Officer, Mr. Carlos Mason, said that *“that in spite of initial problems the community service programme has been very successful.”* He believes that this success is due *“to the zeal of the officers,”* and the in-house training programmes which were conducted by Mrs. Annette Auguste. Mr. Mason also suggested that community service officers *“could benefit from further training.”* Training which would assist them in developing those attributes which would ensure the viability and success of this option.

So, given its success so far and government’s commitment to Penal Reform and the enthusiasm of caring professionals within the Probation Department, there is no doubt that Community Service is a viable alternative to imprisonment.

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